

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

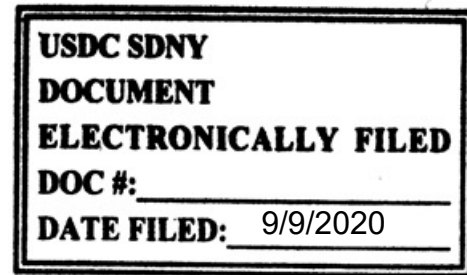
-----X
SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

- against -

TOM SIMEO,

Defendant.
-----X



19 Civ. 08621 (PGG) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

Pursuant to and as set forth in more detail during the discovery and show cause hearing held before the Court on September 9, 2020, the Court finds that Defendant Simeo has not complied with his discovery obligations, with respect to both initial disclosures and responding to document requests and interrogatories served by the SEC, and has violated Court orders requiring him to comply. Despite ample opportunity to meet his discovery obligations, Defendant has not provided a credible explanation for why he has not complied. Accordingly, this Court respectfully recommends that Defendant Simeo be precluded from introducing any additional witnesses, documents, or information responsive to interrogatories that he has not already properly disclosed or does not properly disclose by September 16, 2020, when discovery closes. If Defendant produces information within the next seven days that the SEC believes should be precluded or merits more time for the SEC to follow up on, the SEC may make an application at the appropriate time.

Simeo's request for an extension of the discovery deadline is denied.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: September 9, 2020
New York, New York

Copies transmitted to all counsel of record.